

REMARKS

Claims 1-17, 19 and 20 are pending. No new matter has been added by way of the present submission. For instance, the claims have been amended to clarify that “more than one” protein component is labeled with a first substance. Also, new claims 19 and 20 require that “all” protein components be labeled. These claim amendments are supported by the originally filed specification, for instance, illustrative but non-limiting reference is made to the present specification at page 6, lines 7-15, page 6, last line to page 7, line 6, as well as the Examples. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-17 under 35 U.S.C. § 102(e) as being anticipated by Rothschild et al., (U.S. Patent 6,306,628 and U.S. Application Publication 2005/0032078). Applicants respectfully traverse.

Even if the present amendments had not been entered into the record, the disclosure of Rothschild is not relevant to the present invention.

In the present invention, the peptide *per se* to be obtained by translation in a cell free system can be isolated from the protein components of the translation system and the peptide *per se* translated is neither tagged nor conjugated with any mark or label in order to isolate it from the protein components of the translation system. Instead, more than one protein component of the reaction system, such as a cell free translation system, is labeled with a label or tag which

adheres to a second substance for capturing the labeled protein components of the translation system after translating.

However, Rothschild simply discloses that a special fluorescent marker is incorporated into nascent proteins via “misaminoacylated tRNAs having the special fluorescent marker/tRNA^{fmet}. ” The nascent protein having the special fluorescent marker can be detected by the special marker and can be isolated from the components of the cell free system by absorption of the special fluorescent marker and avidin. Thus, Rothschild neither discloses nor suggests the present invention in which a peptide to be obtained by translation in a cell free system is neither tagged nor conjugated with any label or marker in order to isolate it from the protein components of cell free system. Accordingly, this rejection is improper and should be withdrawn.

Issues under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by Allen et al. Applicants respectfully traverse.

Similar to the Rothschild references, even if the present amendments had not been entered into the record, the disclosure of Allen is not relevant to the present invention.

Allen fails to suggest or disclose that more than one protein component of the reaction system is His-tagged, but rather merely a protein to be obtained by translation, i.e., RegA69 protein is His-tagged. Thus, “His-tagged RegA69” is not a protein component of the translation system but a protein to be obtained by the translation reaction. Accordingly, this rejection is improper and should be withdrawn.

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In view of the above, Applicants respectfully submit that the present claims are in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By  #42,874

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